

**REMARKS**

The Examiner is thanked for the careful examination of the application, and for the indication of allowable subject matter. The foregoing amendments merely rewrite claim 5 in independent form and incorporate the subject matter of claim 2 into independent claim 1. Accordingly, no new issues are raised by the amendment, and the amendment should be entered after final rejection.

As now amended, claim 1 defines an absorbent product that includes, among other elements, a fastening system having two cooperating fastening elements. The first element includes a landing zone having two lateral sides and a skewing preventing part on each of the two lateral sides. For purposes of illustration, not limitation, the Examiner's attention is directed to Figure 1, which illustrates skewing preventing parts 18, 19 on each of the two lateral sides of a landing zone 20.

Claim 1-4 and 6-10 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,653,704, hereinafter *Buell*. The Examiner recognizes that element 44 in *Buell* is a landing zone. The Examiner further alleges that elements 46 in *Buell* function as skewing preventing parts. With regard to the subject matter of claim 2, which has now been incorporated into independent claim 1, the Examiner alleges that the landing zone 44 may be defined to be a single section of the first element 38, as shown in Figure 1, or may be defined to be two separate pieces of the first element 38. The Examiner further alleges that the landing zone 44 "may further be defined to end adjacent the skewing preventing part 46". However, in rejecting an application, the Examiner is required to consider the reference as a whole.

*Buell* clearly indicates that reference numeral 44 refers to the landing zone and the landing zone 44 is consistently illustrated and described as extending beyond the portion of the waistband which includes the first attachment components 46. Accordingly, there is absolutely no basis for the Examiner to argue that the landing zone 44 may further be defined to end adjacent the skewing preventing part 46. The Examiner's allegation or conclusion that the landing zone may further be defined to end adjacent the skewing preventing part 46 is based solely on hindsight and is not based on any teaching or suggestion in *Buell* itself. When *Buell* is considered as a whole, as it must be, it should be clear that the landing zone 44 extends beyond the first attachment components 46, and thus is clearly different from claim 1 which requires that the first element comprises a landing zone having two lateral sides and a skewing preventing part on each of the two lateral sides.

Furthermore, even if the Examiner's interpretation was accepted, the first attachment components 46 of *Buell* are not on the lateral sides of the landing zone. The components 46 are above the landing zone 44, and thus cannot in any way be considered to be on the lateral side thereof.

Accordingly, claim 1, as now amended, is clearly patentable over the cited prior art.

In view of the indication of allowable subject matter in claim 5, that claim has been rewritten in independent form without any of the amendments that were added to claim 1.

Claims 2-4 and 6-10 depend from claim 1, and are thus also patentable over *Buell* at least for the reasons set forth above with respect to claim 1.

In view of the foregoing amendments and remarks, the Examiner is respectfully urged to reconsider and withdraw the outstanding rejections.

In the event that there are any questions concerning this Response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: December 23, 2003

By: William C. Rowland  
William C. Rowland  
Registration No. 30,888

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620